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PUNJAB VIDHAN SABHA SECRETARIAT
NOTIFICATION

The 14th February, 2020

No. 5-PLA-2020/10.- The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Amendment Bill, 2020 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.5-PLA-2020

**THE PUNJAB PRIVATE HEALTH SCIENCES EDUCATIONAL
INSTITUTIONS (REGULATION OF ADMISSION, FIXATION OF
FEE AND MAKING OF RESERVATION) AMENDMENT BILL, 2020**

A

BILL

further to amend the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006.

BE it enacted by the Legislature of the State of Punjab in the

Seventy-first Year of the Republic of India as follows:-

Short title and
commencement.

1. (1) This Act may be called the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Amendment Act, 2020.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment of
section 2 of
Punjab Act 6 of
2006

2. In the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006 (hereinafter referred to as the principal Act), in section 2,-

(i) after clause (d), the following clause shall be inserted, namely:-

"(dd) "health sciences" means an education leading to impart Bachelor of Medicine and Bachelor of Surgery (MBBS), Bachelor of Dental Surgery (BDS), Bachelor of Ayurvedic Medicine and Surgery (BAMS), Bachelor of Homeopathic Medicine and Surgery (BHMS) and/or their Post Graduate(s) and such other level of course(s) pertaining to health and medical education, as may be notified by the State Government from time to time;" and

(ii) for clause (i), the following clause shall be substituted, namely:-

(i) "private health sciences educational institution" means an institution, not established and administered by the Central or State Government and it includes an institution, by whatever name called, including any University, Deemed University or college, whether aided or unaided, non-minority and whether governed or administered or managed or run by an individual or individuals or Trust or any other private entity, agency or organization, which institution conducts or carries on the activity of imparting education to students leading to a degree or diploma in any course or courses in the field of Health Sciences;"

Amendment of
section 3 of
Punjab Act 6 of
2006

3. In the principal Act, in section 3, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Notwithstanding anything contained in any other law, enacted by the legislature of the State of Punjab, for the time being in force, the State

Government shall regulate the admission, fix fee and make reservation for different categories in admissions to private health sciences educational institutions."

4. In the principal Act, for section 6, the following section shall be substituted, namely:-

Substitution of
section 6 of
Punjab Act 6 of
2006

"6. "Notwithstanding anything contained in any other law enacted by the legislature of the State of Punjab, for the time being in force, All private health sciences educational institutions shall reserve seats for admission in open merit category and management category, for advancement of socially and educationally backward classes of citizens or for the Scheduled Castes or Scheduled Tribes to such extent as may be notified by the State Government in the Official Gazette from time to time:

Provided that such reservation shall not apply to the minority category seats in minority private health sciences educational institutions."

5. In the principal Act, for section 7, for sub-section (1), the following sub-section shall be substituted, namely:-

Amendment of
section 7 of
Punjab Act 6 of
2006

"(1) Notwithstanding anything contained in any other law, enacted by the legislature of the State of Punjab, for the time being in force, the State Government shall determine or cause to be determined the fee to be charged by the private health sciences educational institutions having regard to the minimum norms of infrastructure and facilities as laid down by the concerned Council."

STATEMENT OF OBJECTS & REASONS

Currently the The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006 governs the fixation of fees, admissions and reservation in private medical institutions of the Punjab. The Adesh University Act 2012 state that the University itself shall regulate the fees as the University is not covered in the 2006 Act of the State Government. Similarly Section (5) of the The Sri Guru Ram Das University of Health Sciences Act, 2016 says that The University shall have the following powers & functions to be exercised and performed by it or through its officers & authorities namely. Under the sub-section (viii) says "to demand and collect fees and other charges, as per the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006" and under Sub-section (xxi) says "to prescribe the fee structure for various categories" which are both contradictory to each other. In the light of Hon'ble Supreme Court in the judgment dated 14.08.2003 in "Islamic Academy of Education and other", Fee Regulatory Committee was created by Punjab State Government and thus The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006 was enacted.

2. The Adesh University challenged the Notification of 07.12.2012 of Medical Education Department regulating Admissions and Fee in private medical institutions for the year 2013-14 before the Hon'ble Punjab & Haryana High Court in CWP No.9215 of 2013. The Hon'ble Court vide its order dated 1.5.2014 held that Adesh University and other private universities were not covered under the Act of 2006 of the Department of Medical Education and Research, Punjab which was applicable only to private medical institutions and not private universities.

3. To bring uniformity in all private health institutions/Universities which are not established and administered by the Central or State Government and it includes an institution, by whatever name called, including any University, Deemed University or college, whether aided or unaided, non-minority and whether governed or administered or managed or run by an individual or individuals or Trust or any other private entity, agency or organization, which institution conducts or carries on the activity of imparting education to students leading to a degree or diploma in any course or courses in the field of Health

Sciences, it has become necessary to bring amendment in The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006 so that all such institutions are governed under uniform legislation with respect to fixation of fee, reservations of seats and admissions. This will also streamline & remove confusion on matters of fixation of fee, reservations of seats and admissions.

As per "The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006", certain offices of profit not to disqualify their holders for being chosen as, or for being members of the State Legislature, have been laid down. The Government of Punjab has decided to insert section 2(dd) and to make an amendment in section 2(i), 3(1), 6 and 7(1) of the above said Act.

4. Accordingly, the proposed amendment is required to be made in the relevant provision of the above said Act.

OM PRAKASH SONI

Medical Education & Research Minister, Punjab

CHANDIGARH:

THE 14TH FEBRUARY, 2020

SHASHI LAKHANPAL MISHRA

SECRETARY.